IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15505 of 2004

Between:

M.Kalavathi, W/o.M.Sekhar,
Jabithapur village, Jagityal Mandal, Karimnagar Dist.

... PETITIONER

AND

1 The Collector (Panchayat wing) Karimnagar District at Karimnagar.
2 The District Panchayat officer, Karimnagar Dist at Karimnagar.
3 The Principal Secretary, Govt. of A.P., Panchayat Raj. Dept., Secretariat,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing proceedings No.A6/3547/04 panchayat, dt.26-8-2004 suspending the petitioner from the post of sarpanch, Jabithapur village, Jagityal Mandal, Karimnagar District as illegal, improper, arbitrary, unreasonable and set aside the same by directing the 1st respondent to continue the petitioner as Sarpanch of Jabithapur village, Jagityal Mandal, Karimngar District.

Counsel for the Petitioner: MR.V.SREE RANGA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following Order:

ORDER:

It is not in dispute against the order passed by the first respondent suspending the petitioner from the post of Sarpanch, petitioner had filed a revision before the third respondent on
27-08-2004 and filed the present Writ Petition questioning the suspension order passed by the first respondent which is the subject matter of revision before the third respondent. It is well settled that when a statutory appeal/revision is filed and is pending, a Writ Petition for the same relief cannot be entertained, except directing the appellate/revisional authority to dispose of the said appeal or revision within a time frame as held by the Apex Court in 1995(1) SCC 642. Having regard to the said fact, third respondent is hereby directed to dispose of the said petition filed by the petitioner on 27-08-2004 and the pending revision within a period of two weeks from the date of receipt of a copy of this order, and can also dispose of the revision as expeditiously as possible within a period of three months from the date of receipt of a copy of this order.

2. The Writ Petition is accordingly disposed of.

_____

A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

To:

1 The Collector (Panchayat wing) Karimnagar District at Karimnagar.
2 The District Panchayat officer, Karimnagar Dist at Karimnagar.
3 The Principal Secretary, Govt. of A.P., Panchayat Raj. Dept., Secretariat,

Hyderabad.

4 Two C.C.s to the G.P for Panchayat Raj and Rural Development, High

Court Buildings, Hyderabad. (OUT)

5 Two C.D. Copies.